

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-cv-00018-FDW-DSC

JOE HAND PROMOTIONS, INC.,)
)
Plaintiff,)
)
vs.)
)
MARKUS HUNTER AND BLACK CLOUD)
ENTERPRISES, LLC,)
)
Defendants.)

ORDER
and
DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgment, (Doc. No. 12), as well as the materials submitted in support of that motion, (Doc. Nos. 13, 14). For the reasons stated in the motion and supporting materials, the Motion for Default Judgment is GRANTED.

Upon consideration of Plaintiff's Motion for Final Default Judgment, the accompanying Memorandum of Points and Authorities in Support thereof and evidence, the pleadings on file and the relevant authorities, the Court concludes that Plaintiff has established that it is an aggrieved party under the Federal Communications Act, 47 U.S.C. §§ 553 and 605, and recognizes Plaintiff's election to seek statutory damages solely under 47 U.S.C. § 605. The Court also concludes that it has jurisdiction over the subject matter and parties to this action; that Defendants Black Cloud Enterprises, LLC d/b/a Café Cruz and Markus Hunter (hereinafter "Defendants") failed to answer or otherwise defend as provided by the Federal Rules of Civil Procedure following proper service; that the allegations in Plaintiff's Original Complaint are deemed admitted against Defendants; that Defendants exhibited the Manny Pacquiao vs. Adrien Broner broadcast, including all undercard bouts and commentary, on January 19, 2019, without authorization from Plaintiff; and that

Defendants' actions were willful and for purposes of direct or indirect commercial advantage or private financial gain. Therefore, additional damages are warranted in this action.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Default Judgment, (Doc. No. 12) is GRANTED, and IT IS FURTHER ORDERED that

1. Judgment by default be entered in favor of Plaintiff and against Defendants Black Cloud Enterprises, LLC d/b/a Café Cruz and Markus Hunter.

2. Plaintiff recover statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) from Defendants in the amount of \$5,000.00.

3. Plaintiff recover additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendants in the amount of \$20,000.00.

4. Plaintiff recovers attorneys' fees pursuant to 47 U.S.C. § 605(e)(3)(B)(iii) from Defendants in the amount of \$1,500.00 and costs in the amount of \$492.00 relating to the prosecution of this matter.


5. Plaintiff recover, in the event Defendants fail to voluntarily pay the judgment, is entitled to reasonable attorneys' fees for post-trial and appellate services.

6. The Court also award Plaintiff court costs and post-judgment interest on the amounts awarded herein at the statutory rate from the date of this Judgment until paid.

7. This judgment is a final judgment.

IT IS SO ORDERED.

Signed: December 16, 2022


Frank D. Whitney
United States District Judge